IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1324 OF 2007.

Arvind Amritlal Gupta. ... Petitioner.

Versus.

Smt.Lata Arvind Gupta. ... Respondent.

Shri S.A.Bhagwat i/by Shri A.H.Nagi for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : 27th February, 2007.

P.C.:

1. Heard the Advocate for the Petitioner. By this petition under Article 227 of the Constitution of India, the Petitioner-husband has challenged an order passed under section 24 of the Hindu Marriage Act, 1955 for grant of interim maintenance in favour of the Respondent-wife. The trial Court has granted maintenance of Rs.3000/- per month. The learned Advocate for the Petitioner invited my attention to the assertions made in the reply filed to the Application for maintenance and submitted that considering the conduct of the Respondent-wife, the order for payment of interim maintenance should not have been passed.

2. In the application for maintenance, the Respondent has averred that she has no source of income and on the other hand the present Petitioner is earning Rs.15,000 to Rs.20,000 per month. In the reply which is filed by the Petitioner to the said Application, the

said averment has not been dealt with specifically and the Petitioner has not come out with his real income.

3. Considering all these aspects, the trial Court has fixed the maintenance amount at Rs.3000/- per month. There is no perversity in the said order. The petition is rejected. However, time of three months is granted to the Petitioner to deposit the arrears of maintenance.

Judge.